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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 05 2020 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

Ricardo Castang_____
Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

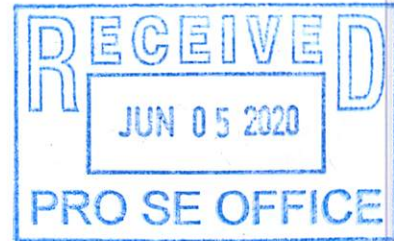
JURY DEMAND

YES ☒ NO ☐

-against-

William Geimano (SA)
City of New York
John Doe (Detective)individually and in their official
capacities.
Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]



- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Ricardo Castang

If you are incarcerated, provide the name of the facility and address:

Clinton Correctional Facility
P.O. Box 2001
Danmemora, N.Y. 12929Prisoner ID Number: 17A4261

U.S. DISTRICT COURT
IN CLERK'S OFFICE

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BROOKLYN OFFICE

ORIGINAL

19cv-1178(BMC) (18)

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If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

William Geimano
Full Name
S.A. (Detective) Tax no. 8056
Job Title
250 Vesey St. Manhattan N.Y.
In official and individual capacity
Address

Defendant No. 2

John Doe
Full Name
Detective
Job Title
250 Vesey St. Manhattan N.Y.
In official and individual capacity
Address

Defendant No. 3

City of New York
Full Name

Job Title

Defendant No. 4

Address

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? 71st Precinct, Brooklyn
N.Y. 11213

When did the events happen? (include approximate time and date) Sept. 21st, 2016,
at approximately 15:00 hrs.

Facts: (what happened?) I was arrested by detectives from Manhattan Special Narcotics and placed in a holding cell at the 71st Precinct in Brooklyn. Detective John Doe came to my cell, opened the pen & told me to walk backwards towards him with my hands behind my back. When I reach him, as instructed, he places the cuffs on my left hand, then grabs my right hand & begins to punch me in the head several times. During my assault he begins to twist & hyper extend my arm & shoulder, almost popping it out of its socket. At that point, I start screaming & yelling that "I had recently had brain surgery for cancer & you're punching me in the head; help, help." When I look up, that's when I notice Sgt. Geimano, standing there, guarding the entrance to the pens; watching.

See attached pages for full details.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

1) Facial swelling & fluid therein. 2) Possible hair-line facial fracture. 3) limited range of motion in right arm. 4) nerve damage in right shoulder, radiating up to the neck causing minimal movement in the neck & soreness. 5) continued headaches & nose bleeds. 6) continued neck & shoulder pain, radiating through the upper spinal region. 7) permanent damage to right arm & shoulder, right knee. 8) sporadic tingling

throughout arm, head, neck & shoulder. 9) pain in right leg radiating from base of foot to knee. 10) muscle spasms in my right knee, right arm & shoulder. 10) difficulty standing for extended periods on right leg.

III. Relief: State what relief you are seeking if you prevail on your complaint.

Plaintiff requests that the court grant the following relief:
Punitive and compensatory damages; as stated.

I declare under penalty of perjury that on 5/29/2020, I delivered this
complaint to prison authorities at Clinton Correctional ^(date) to be mailed to the United
States District Court for the Eastern District of New York.
(name of prison)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5/29/20

Rastany
Signature of Plaintiff

Clinton Correctional Facility
Name of Prison Facility or Address if not incarcerated

P.O. Box 2001

Danemora, N.Y. 12929

Address

17A4261
Prisoner ID#

Statements of Facts/Order to Show Cause beginning 9/21/16.

- 1) Probable cause issue: the store owner calling someone on his cellphone and telling them to come means nothing; especially if the police were outside observing as they alleged. He could call anyone and tell them to come. Plus the store has never been subject of an investigation, surveillance or a known drug activity building.
- 2) At the time when I was detained unlawfully and the handcuffs were placed on me; I was never read my rights or told what I was being arrested for. Simply, freeze, don't move.
- 3) I was searched; my phone and wallet taken at the store. Everything in my possession. (Illegal Search & Seizure)
- 4) After invoking my right to counsel, saying to the detectives I want to speak to a lawyer; I was repeatedly questioned and interrogated.
- 5) When asked to exit the holding pen at the precinct, with my hands behind my back; I was cuffed and assaulted ~~the~~ by the escorting officer. Punching me in the head repeatedly. (Assault & Battery)
- 6) He then proceeds to twist my right arm up and behind my back, hyper-extending my shoulder and almost popping it out of its socket. Twisting my wrist and arm, while yanking up. (Assault & Battery)
- 7) I look up and notice Sgt. Geimano, there watching and guarding the door. (Aiding in Conspiracy of Assault & Battery, Failure to Intervene)

8) While he escorted me to the interrogation room after he assaulted me, he called me a "nigger" and a "black-motherfucker." (Deliberate indifference and Malicious Intent)

9) When I got into the interrogation room, I was interrogated and questioned; even after I again invoked my right to counsel.

10) The officer who assaulted me came back into the room with my cellphone in hand and told me I could use it to call my lawyer. I was about to unlock it, when I realized what he was trying to do, so I tossed the phone on the table next to me. The detective proceeds to grab me up out the chair, throws me up hard against the bars of a holding cell in the room. My face hits the bars hard and my head bounces off of the bars. He grabs me up from behind, takes the same right arm and begins twisting it up and behind my back; hyper-extending it again. (Assault & Battery)

11) Later at arraignment, the prosecutor says that from the information that was garnered from my phone, text messages, indicate that I have knowledge of what was going on. The warrant for access to my phone is dated Sept. 26th, days after my arraignment, indicating that the phone was accessed prior to getting the authorization of a warrant from a judge. (Illegal Search & Seizure)

12) I was sent to Manhattan Correction Center, and during my initial medical evaluation intake process, I told the physician that I recently had brain surgery for cancer, and I was assaulted by

(3)

the detectives when they arrested me. I was told that I have to wait 24-48 hrs. for medical to receive my medical records before they can see me, or treat me. (Failure to provide adequate medical care)

13) The physician made note of the swelling and tenderness to my face when he noticed it and said I would have to go for X-rays for my right arm/shoulder. He says my other symptoms; nose-bleeds, severe headaches and limited range of motion/movement in the neck and upper shoulder area; would be addressed after getting my medical records.

14) I make repeated attempts to be seen and treated by the physician; but I'm told the something. That they haven't received my medical records. While in the meantime, I'm still suffering from my range of injuries.

15) The day I'm finally scheduled to see the doctor and be examined, there is an alarm and my entire unit gets locked down. About 15 mins. after, I start having severe difficulty breathing, severe congestion and tightening in my face, head and chest, my nose and throat burn; my eyes and skin begin to burn and become irritated.

16) It was then that I realized there was MK-9 spray/teargas, coming through the vents. And I began to suffer from headaches, dizziness; and I was about to collapse but was able to grab onto the sink before I hit the floor.

- 17) I began to shake, and felt the uncontrollable need to throw up. I began to throw up blood, while simultaneously bleed from my nose and eyes.
- 18) I notice the C.O. going around; checking on and speaking to the other inmates, before he finally arrives at my cell door window in time to witness me throwing up blood, bleeding, shaking. I genuinely felt that I was going to die. I also say to him that I am having difficulty breathing, I feel weak and can barely stand; and I tell him about my past surgery for cancer.
- 19) The C.O. left saying that he was going to call a Captain to see if he could get me an escort to take me to medical. But when he returned approximately 15 mins. later, he said that he was informed by the Captain that there is currently no movement allowed in the building because of the alarm. But that someone would come to get me as soon as possible, and that he made a record of the incident in the logbook; incase shift change occurs and no-one comes, the next officer will know.
- 20) I tell him to ask the Captain to atleast send me an oxygen mask or something in the meantime because I can't breathe. He leaves, and I can see through the cell door window; him on the phone speaking to someone.
- 21) He returns to my cell door and says that he was told "not to call back" right now and that they would get to me when they can.

22) I was still having difficulty breathing and burning in my chest, nose and eyes and; I was still spitting up blood. I must have passed out because the next time I opened my eyes, the sun had gone down and it was now dark outside; and I was awakened by someone banging and calling at my cell door.

23) It was a different officer from the last one, and he said he was checking to see if I was still in need of medical attention because he read the note in the log book. To which, I replied yes.

24) I did not make it to medical until approx. 8 p.m.; and I didn't get in to see the doctor until around 11 p.m. Almost 12 hrs. after the incident occurred, when the doctor noted my symptoms injuries and complaints.

25) But by that time I wasn't still throwing up blood, or my nose bleeding. I was still, spitting up blood, feeling light headed and dizzy and still have difficulty breathing normally; with burning and tightening in my head and chest.

26) The doctor gave me two cold packs and told me to put them on my face and to go lay-down on the bench in the waiting area until I feel better.

27) I must have been laying there for approx. 1 hr., still feeling a

little dizzy; when a Captain came in with some other officers and said I was on the list to be moved and sent to Rikers. And I told them that I feel weak and dizzy, my head hurts, I'm having difficulty breathing; but the doctor said I could lay here till I feel better.

28) Two officers came over to the bench and forced me to get up. They lifted me to my feet and began escorting me out of the waiting area; one officer on either side. We started to exit the area when the officer on the right let go of me and the officer on the left pushed me toward.

29) I was weak, dizzy, stumbling and could barely stand on my own, so when I got pushed; I fell face toward. I landed on my knees, but it was in the right one that I felt a sharp, excruciating pain in; just before my face hit the concrete floor. It was the same side of my face that the detective had injured.

30) The last thing I remember is my face bouncing off the floor and seeing black, with flashes of light for approx. 5-10 seconds.

31) I remember looking at my knee later when I awoke and was in so much pain; when I saw it had swollen to the size of a grapefruit. I was told by the C.O.'s at M.D.C. to simply put down for medical when I get to Rikers; then they hurried me

on the bus.

32) Upon arriving at Rikers, I tried several times and on several different occasions to be seen by medical; but I was routinely never called down.

33) By the time I was able to see the doctor my injuries and symptoms had subsided. The doctor did notice, and make note of the fact that there was "water on the knee"; and that it is still a little swollen. With a possible torn M.C.L/A.C.L, pinched nerve. A pinched nerve in my right shoulder and, a possible hair-line fracture in the right side of my face; and that it was still a little swollen and dis-colored.

34) While being evaluated by the admitting nurse, before seeing the doctor; and I explain to her my medical history, of having had nasal brain surgery for cancer. She says to me that "I shouldn't have come to jail", because they are limited to not being able to provide me with the necessary care and treatment I need. And that "I shouldn't have did whatever I did to make the detectives beat me up." (Deliberate indifference, failure to provide proper medical treatment)

35) At my arraignment, on the 22nd - 23rd, the prosecution referenced text messages they allegedly retrieved from my phone. But after an Omnibus/Discovery motion was filed, the provided documents

and warrants showed that the warrant for accessing my phone was obtained on Sept. 26th. Showing my phone was illegally accessed; a clear violation of my "Due process and illegal search & seizure" rights.

Affidavit of Service

State of New York
County of Clinton) ss.:

I, Ricardo Castang, first being duly sworn, deposes and says that on the 29 day of May, 2020, I did in fact give the designated copies of the attached Amendment to §1983 Civil Rights Complaint, to an officer at Clinton Correctional Facility to be duly carried to the following parties:

Original and Copy

Clerk: Eastern District Court
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Copy

Clerk: Eastern District Court
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Clerk: Eastern District Court
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Statement Pursuant to 28 U.S.C. 1746 I declare
under the Penalty of Perjury that the Foregoing is true
and correct.

Respectfully Submitted

Ricardo Castang

Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929

Sworn To Before Me This

12th Day of May, 2020

Jhalel
Notary

C.C.F., P.O. Box 2001
Dannemora, N.Y. 12929



To: Magistrate Judge: Mrs. Lois Bloom
U.S. District Court, Eastern
225 Cadman Plaza East
Brooklyn, N.Y. 11201

